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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,866	04/09/2004	Hsien-Sao Wu	3224-45	9288

7590 08/21/2007

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EXAMINER	
JACKSON, DANIELLE	
ART UNIT	PAPER NUMBER
3636	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/820,866	WU, HSIEN-SAO	
	Examiner	Art Unit	
	Danielle Jackson	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

(page 6, lines 7, 21) "upper nest 6" should be changed to --upper nest 7-- so as to be consistent with the previously assigned reference character given to the upper nest;

(page 6, lines 8) "lower nest 5" should be changed to --lower nest 6-- so as to be consistent with the previously assigned reference character given to the lower nest;

(page 7, line 20) "As an wind" should be changed to --As a wind--;

(page 7, line 24) "imparted form" should be changed to --imparted from--;

(page 8, line 5) "One the other" should be changed to --On the other--;

(page 8, line 15) "so as o" should be changed to --so as to--, "umbrella's fifetime" should be changed to --umbrella's lifetime--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation " the last section of said main umbrella rib" in lines 6-7, 16-17. There is insufficient antecedent basis for this limitation in the claim. Also, it is unclear exactly what constitutes the last section of the main rib. Furthermore, the last section referred to in lines 16-17 appears it may not be the same last section as that of recited in lines 6-7. Is the last section the segment divided into first and second subsections? Or is it the segment that connects to the upper nest?

b. Claim 1 recites the limitation "said auxiliary rib portion" in lines 19-20, however it is unclear whether the limitation is referring to the first or second portion of the auxiliary rib.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US-6,336,464 B1) in view of Wu (US-6,588,439 B2) and Wu (US-2004/0211452 A1).

Ko discloses a reinforced umbrella comprising: a telescoping backbone (shown at the left of FIG. 5), an upper and an lower nest (also shown at the left of FIG. 5), a plurality of multi-sectionalized main umbrella ribs (shown to the right of the backbone and nests in FIG. 5), a first and a second umbrella cover (FIG. 4),

wherein the last sections of the main umbrella ribs is divided into a short first subsection (4) and a longer second subsection (3), the former is laid parallelly over the latter, said first umbrella cover is located between the upper nest and said first subsection, and said second umbrella cover is located on said second subsection so that a portion of the first cover is superposed over a portion of the second cover.

Ko lacks an auxiliary rib that is composed of a first and a second portion. Wu teaches an umbrealla rib having an auxiliary rib (6) composed of a first portion (61) and a second portion (62), said first portion is joined to the front end of the last section of the main umbrella rib, as best understood, while its other end is formed into a hinge joint (612, 621) with one end of the second portion, and the other end of the second portion is terminated at a sleeve (63) mounted on the second subsection of the main rib. It would have been obvious to one of ordinary skill at the time the invention was made to modify Ko to include an auxiliary rib composed of two portions, as suggested by Wu, in order to provide additional means for securing the umbrella against strong winds.

Ko lacks a resilient band. Wu discloses a spring element (4) used to connect the first (31) and second (32) covers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ko to inclide a resilient band, as suggested by Wu, in order to connect the first and second covers in a discreet and functional manner so they may still be flexible and operational in strong winds.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US-6,336,464 B1) in view of Wu (US-6,588,439 B2) and Wu (US-2004/0211452 A1) as applied to claim 1 above, and further in view of Lee (US-2004/0238020 A1).

The combination of Ko, Wu and Wu is discussed above, but lacks the sleeve being slidably mounted on the second subsection and having a stopper provided. Lee shows an umbrella (shown as prior art, FIG. 1-2), wherein an auxiliary rib (3) is slidably mounted on the main rib (7) by a sleeve (31) and a stopper (shown in FIG. 1). It would have been obvious to one of ordinary skill in the art a the time the invention was made to modify the combination mentioned above to include a slidable sleeve connecting the auxiliary rib and the main rib, wherein a stopper is used to control the movement of the sleeve, as suggested by the prior art shown in Lee, so the auxiliary rib would be able to slide a small amount on the second subsection of the main rib allowing the umbrella to have a smaller size when in a collapsed position.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Jackson whose telephone number is (571) 272-2268. The examiner can normally be reached on Monday through Friday 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNJ



DAVID DUNN
SUPERVISORY PATENT EXAMINER